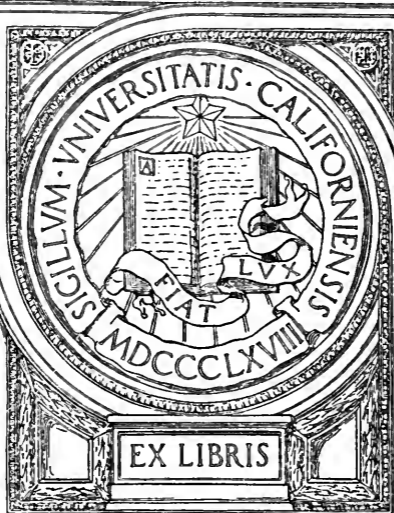


The Professional Criminals of  
San Francisco

By

J. R. Collins

UNIVERSITY OF CALIFORNIA  
AT LOS ANGELES



ROBERT ERNEST COWAN

THE  
**Professional Criminals**  
OF SAN FRANCISCO

A few Legal Guesses and a Human Document  
without Frills.

by J. R. COLLINS

Price 10c



Published by the Author

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San Francisco, 1914.

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**Dedicated to those who love justice and liberty, hate crime and poverty, who have a vision of a brighter future for all mankind, and who will do away with the necessity for courts, prisons and crime.**

## The Professional Criminals of San Francisco

In November, 1910, I loaned Mrs. W. \$50 for 30 days, without interest. I knew Mrs. W. for over a year before she ever asked for a favor; she told me she would give me a chattel mortgage on a piano that she owned and pay me interest, she just had to have some money to pay taxes on property located at 3757 Sixteenth street. She was short of money, as she had to make some payments on some Los Angeles property. I asked her how it was she didn't borrow the money downtown. She said she would have to pay such an enormous interest that she would rather borrow of some friend who would be satisfied with a reasonable interest. The reason I happened to have \$50 was that I had saved it up to pay my annual premium on my life insurance. We had two or three talks about the loan before I decided to take the risk. When I went up to Mrs. W.'s house to look at the piano I found an up-to-date bungalow, also a cottage in the rear of the house at 3757 Sixteenth street, renting for \$16 a month.

Inside the house we found furniture, fine cut glass, telephone, aviary in rear of house, consisting of about 30 tropical birds—in fact everything in apple-pie order. Mrs. W. also stated at this time that she had three daughters and a husband, all regularly employed. That looked pretty good to me. To show you that my heart is in the right place, I made the proposition to Mrs. W. that it wouldn't be necessary to go to the expense of making out a mortgage for so short a time; but when it came to pay, Mrs. W. didn't pay and I was forced to borrow money to pay on my insurance. By keeping right after her three or four times a week, she finally paid \$10 in February, 1911. That was the first and only money that I have received of the \$50 I loaned. I finally asked Mrs. W. if she would still give me a mortgage on the piano. She said she would. Mrs. W. agreed to go downtown and have the mortgage fixed up during the noon hour. While driving a delivery wagon I had lunch four times a week near her house. She kept putting me off, playing for more time. It dragged along until about the middle of April; I never could find Mrs. W. at home; she was either out or so sick that she couldn't see me, so I decided to play the part of a detective. One bright morning I telephoned to the lady, left her under the impression that I was working, and she promised to meet me at noontime and fix up the mortgage without fail. When I rang the door bell at 3737 Sixteenth street about five minutes after I hung up the receiver two blocks away, Mrs. W. looked like 30 cents. I informed the lady that I had come to stay all day or a week if it needs be, or until such time



as she signed up. We went downtown and while we were waiting for a notary to show up in a real estate office she excused herself and said she would have to go to the toilet. "I'll go along with you," I volunteered. If there had been a hole in that toilet, either in the sewer or the skylight, large enough for Mrs. W. to have crowded through, I wouldn't have had a mortgage on that piano yet. Of course the \$40 coming would be paid in two or three days. That was the same old story over and over again. Up to this time I had never met Mr. W. I had a curiosity to see the husband of this woman that I had found by this time to be the biggest liar I had ever met—and mind you I am 53 years old, met lots of them. I asked Mrs. W. over the phone what time her husband got home at night time. She informed me that it wouldn't do a bit of good to see him for she did all the business. I want to state right here that's the only time Mrs. W. told me the truth. The Sunday morning following this phone conversation I called at 3737 Sixteenth street and found Mr. W. at home. He answered the bell. I introduced myself to the gentleman and told him my trouble. He called his lady love to the door and asked her if she had borrowed any money from me. She stated that she had. She also said she had made arrangements to pay me the following Tuesday with interest. I wanted to continue talking about the case, but he told me it was Sunday morning and that I would get my money all right, but he did not care to talk any more about it, and slammed the door in my face. Tuesday came and no money. The next day I went up at noontime to see if Mrs. W. was in.

The curtains were tightly drawn and apparently nobody at home, but I had found by this time that Mrs. W. was at home lots of times, but never answered any bells. At this time there was a Japanese waiting on the porch. I asked him his trouble, and he said he had washed windows, worked two days, couldn't get pay. There is a poor man who lives in the Mission, has a large family. His boy worked for Mrs. W. three days. She never paid him a cent. Mrs. W. borrowed \$25 of a little Mexican by the name of R. D. Micotti on the strength of owning this same piano that I loaned her money on. There isn't a store of any description in the neighborhood of Sixteenth and Market that Mrs. W. hasn't got the best of or tried to.

The mortgage that I hold upon piano No. 44944 was recorded on April 17, 1911, book 45, page 105; the piano belongs to a music store located at 51 Grant avenue. The claim was to be paid in 30 days, the 17th of May. No money—with four or five members of the family working all the time. When the 17th of May came around, of course Mrs. W. wanted three or four more days. I waited two or three days and got busy. I supposed all I would have to do would be to tell the sheriff my troubles and he would sell the piano and fix it all up. I was told at the sheriff's office that I would have to get a lawyer; I left the sheriff's office so mad that I could have bitten myself. I went over on Market street and the first lawyer's name I happened to see was F. V. Meyers, third floor Grant building. After I told Mr. Meyers my trouble he immediately took down the receiver and rang up 51 Grant avenue.

They informed him that Mrs. W. was away behind in her payments and had paid very little on the instrument. How did Mr. Meyers know that 51 Grant avenue owned or had partly sold this particular piano No. 44944? Here was positive evidence that a third party had loaned money on this piano. She evidently kept the piano for the sole purpose of borrowing money on it. Mr. Meyers said the only thing we could do would be to have her arrested for obtaining money under false pretenses. We went to the bond and warrant clerk's office, and after being asked about fifty questions by Mr. Rock, and after he had satisfied himself that Mr. Meyers and I were within the bounds of the law, he wrote Mrs. W. a note asking her to appear at 64 Eddy street and tell why she shouldn't be arrested for borrowing money on property that did not belong to her. On the advice of Mr. Meyers I delivered that note personally to Mrs. W. so she couldn't say she didn't read it. Mr. Meyers knew that she handled the truth carelessly, but she showed up next morning at 64 Eddy street, put up a pitiful tale, went from there to the Bulletin office and was crying around there, telling hard-luck stories, every word a lie. The Bulletin sent her to Hickey & Culbertson, lawyers in the Phelan building. She showed these lawyers \$10 and told them if they would intercede in her behalf she would pay \$10 a month until such time as the debt was paid. Mr. Hickey rang up the bond and warrant clerk's office. Mr. Rock referred him to us. Mr. Meyers and I had a talk with them about the proposition and decided to give her a chance to pay \$10 the 1st of each month. This hap-

pened the 1st of June. The 1st of July came around and no money, and the 7th of July and no money. I rang up Mr. Meyers and found that he is visiting in Los Angeles. When he returned we took the case up again, about the 1st of August—and still no money. Mr. Meyers and I made another trip to 64 Eddy street, and this time got a warrant for Mrs. W. She was arrested on Thursday, August 3rd, and appeared in Judge Shortall's court August 4th. This was kept up for four consecutive weeks, when the case was thrown out of court on September 2nd. The first time, which was on August 4th, her lawyer, Mr. F. W. Sawyer, came to me in the courtroom and asked me to consent to have the case put over another week. He said he could get a continuance of the case whether I agreed to it or not. He asked me how much money was still coming to me. Through a mistake I told him \$40, but I should have told him \$43. This \$3 has to be explained here. The day I forced Mrs. W. to give me a mortgage that \$3 recording fee Mrs. W. agreed to pay me in addition to \$10 for the trouble she had put me to. My lawyer wasn't in court, as I had failed to notify him. Mr. Sawyer had the case put over for a week, with the understanding that she would get the money in the meantime. We were a second time in court on the 11th of August. My lawyer sent a boy who was studying law under him to represent his end of the case. I had found out by this time that I was being done out of \$3. In addition to this, Mr. Sawyer was coaching me what to tell the judge if he should make a kick about using the police department for a collection agency. For

the first time it appeared to me that I was receiving a paltry sum of money to turn one of the worst criminals in San Francisco loose; I told Mr. Sawyer that I couldn't think of being used in that way. When the case was called the judge put up a howl about another continuance. I told the judge that there were some things had come up in the case that I would have to see my lawyer about; after a little rough-house between my representative from Mr. Meyers and the judge it went over for another week, Saturday, the 19th. I appeared this time to plead my own case. Several cases were disposed of before they came to mine, and just before my case was called Mr. Sawyer, Mr. Oppenheim, the District Attorney's representative, and the Hon. Edward Shortall put their heads together and held a three-cornered whispered conversation and decided they would have some fun with me. I will have to guess here what Sawyer told Judge Shortall and Oppenheim. I took the stand and the first question Shortall asked me was if I believed in God. "Why," I said, "Judge, that's got nothing to do with this case." He admitted that it hadn't, but, he says, "Do you believe in God?" I answered, "Certainly not." The judge then asked me a few questions about the loan and told me I would have to get some witnesses to prove that Mrs. W. didn't own the piano. Think of it, have to prove something that the judge already knew. If Mrs. W. had owned the piano Mr. Meyers and I would have done business with the sheriff; we would not have been in the police court. What a farce those police courts are, anyhow!

I got busy and had three witnesses subpoenaed, and appeared in court on the 26th of August, 1911, this being the fourth time in court, and, bless your sweet life, Shortall never showed up. And there were three or four cases that had to wait until some other police judge could come in and set another time for a hearing before Shortall. When Judge Deasy came in to put the cases over for another week I asked the judge if I would have to have these three witnesses re-subpoenaed to appear in court on September 3rd. He said I certainly would. Now, Mr. Reader, I want you to look at the trouble and expense that I and the police department were put to, and no results. September 3rd I was in court with my witnesses. Shortall, seeing Mr. Meyers, asked him if he had a case in court. Mr. Meyers stated that he was there as a witness in the Collins & West case. The judge told him he could go, that he would dismiss the case when it was called. He asked me if I was ready to receive the \$40; I told him I was not. He turned to Mrs. West and said: "Mrs. West, you are on the docket two times for the same offense. How did you do it?" and smiled. Mrs. W. smiled in return and said she didn't know, she just did it. Judge Shortall dismissed the case.

The docket sheets of September 3, 1911, will show that William Johnson had Mrs. West arrested sometime during this period of five weeks, that the case was pending in Shortall's court; whether she paid him in full or not I don't know. A lady friend of mine was with me on September 3rd, and we went direct from the court to the Daily News office on Ninth

street and had a talk with the managing editor. He agreed to ask Shortall why he dismissed the case. I waited four or five days—nothing doing. I rang the editor up and asked him about the agreement between him and me. Oh, he said, anybody could ask Shortall a question. What to do next I didn't know. My friend advised me to see the Grand Jury and if the Grand Jury would not do anything for me I was at the end of the string, it being the court of last resort. The Grand Jury met at the Hewes building at this time. I called one evening and had a talk with Mr. J. Plover, the secretary, and he said they would take the case under advisement and see what could be done. They sent the corporal of the Grand Jury to see me, a very nice, agreeable young fellow, a good conversationalist. Say, gentle reader, did you ever stop to think that these Grand Juries cost us well? Mr. Plover promised to let me know by letter how they progressed with the case. I waited and waited, and then waited some more—it was apparently a game of freeze-out. I got tired, disgusted and heartsore waiting on justice. I called on Mr. Plover again. He told me he had looked over the court record and found everything just as I had stated, that he was very sorry, but the Grand Jury would do nothing in the case. Why wouldn't the Grand Jury do anything in the case?

Some of these jurymen went to school with Shortall, each and every one of them are conservatives, their religion, their politics and their God are different from mine—do you blame them? I don't know what's to be done now. Mr. Plover stated that Oppenheim had

done wrong, and if I would see Mr. Berry or Mr. Cotton of the District Attorney's office he thought they might do something with the case. I had several talks with Mr. Cotton. He stated that in numbers of cases where the judge had decided against him he thought the judge was wrong. "Well," I asked Cotton, "did the judge decide these cases against you according to law?" "Oh," he says, "it's up to the judge." Up to the judge first, last and all the time! I concluded it was useless to see Mr. Berry. I want to state right here, since I have become acquainted with Berry, it certainly would have been useless. Looks pretty bad, don't it? Gentle Reader, you mustn't take the law into your own hands. Now, the sheriff didn't treat me right. If he had, he would have sent me direct to Fickert. What do I pay Fickert for if it isn't to protect me from such abominable criminals as Mrs. W. and her family? What do I pay the Grand Jury for? What do I pay Shortall, the dirty liar, for?

Am I at the end? Oh, no. I'm no quitter. This must have been along in the latter part of the year 1911. I was awake some nights all night, thinking what best to do. Think of the mental agony, dear reader, for these many nights.

The Legal Aid Society was organized about this time. Now, of all the societies that ever was organized in this or any other city, this is the most shameful. F. J. Schuhl and A. L. Johnson, both young lawyers, started in to clean up the town, and would have cleaned it up. Johnson and Schuhl really wanted to do something. But here are a few names of the men and women that applied for membership:



Mrs. L. H. Coffin, Mrs. E. R. Norwood, Mrs. F. Pierce, Mrs. M. Gordon, Mrs. R. Steele, Judge C. W. Eastin, O. L. Scott. The Bar Association was represented by C. S. Wheeler, C. A. Shootleft and D. O. Connell. They also wanted to co-operate with the society in this landslide of human kindness towards poor people who have been wronged by such scoundrels as Fickert and Shortall, real estate firms, fraternal societies, and all the little cliques and clubs that it takes to constitute a criminal city such as San Francisco.

This writeup in the Bulletin from which I have copied these names, also states that the society was in correspondence with a New York society of the same name, which has such illustrious personalities as Buna Tumbo, Bill Taft, A. Carnegie and J. A. Schiff. By the way, before I forget it, Shortall was one of the directors. It cost \$1 to join this society. I have a receipt for one dollar, and I paid one dollar in that nobody has receipted for. Ask Mrs. Rufus Steele what became of C. M. Custer's dollar; I gave Mr. Custer his dollar back, so it cost me two dollars. Dear Reader, look over the above names. Do you want to criticize Johnson & Schuhl? I don't. Look at the environment—look at the influence on them of these professional criminals.

Now, I don't want something for nothing—I never have. In a writeup that the Bulletin gave this society it stated that in addition to helping poor people without cost, it would see that justice was done. That looked good to me. I called at 24 Montgomery street and told them my troubles. Mr. Johnson and Mr. Schule thought I had a very good case. This

must have been before Shortall got in as a director. Anyway, their office was simply swamped with these poor victims of professional criminals, and they were so busy with these cases that they couldn't do anything for me just at present, and they referred me to Mr. Vidal, an attorney in the same building, and assured me that he would treat me right. Mr. Vidal and I called at the District Attorney's office and fixed it up for a personal interview with Mr. Fickert, Mr. Sawyer and Mrs. West. Mr. Fickert got cold feet and turned the case over to Mr. Betsy, one of the assistant district attorneys. Vidal, myself, Mr. Sawyer and Mrs. West called at Mr. Betsy's office in the Call building, and Mrs. West agreed to pay \$10 a month until such time as it was all paid. Mrs. West didn't pay, and Mr. Betsy can never explain why he didn't have Mrs. West arrested and properly punished. But you mustn't take the law in your own hands. I had certainly given the law plenty of time, had employed two lawyers, spent all kinds of time and money, and no results. The house at 3757 Sixteenth street stands up off the ground about three feet. I had decided to put two or three gallon cans of gasoline under the house and blow it up some night. How was I to do this without getting caught? I went to a party that I thought would furnish me the gas. I told him what I wanted to do with it. He said all right, go to it, mum would be the word on his part. I decided to fix a candle and a saturated oil string so it would explode between 12 and 1 at nighttime. I would light the candle in the early evening and be at home, or near home, playing cards so it would be easy

for me to prove that I had nothing to do with the explosion. On the other hand, I had reasoned that Mrs. West had victimized so many people that if she got out alive she would have no idea who did the job. About this time I read a newspaper item that Shortall was sojourning in Marin County. I figured that when the smoke had cleared away from the West mansion I would go to Marin County and lay for the dirty cur and thrash him within an inch of his life. Before I did any of this unpleasant work I decided to make one more call on the Legal Aid Society, and was informed that Mrs. West was in jail, was arrested again. This stopped my little game of smoke and blood for the time being. She was up before Judge Lawlor this time. Mrs. West was in jail about two months, and during this time she and her victims met in Lawlor's court a dozen times or more. In the beginning, Lawlor said he wanted all the evidence. But when he found out what the Grand Jury had done and the part Shortall had played, which also put Mr. Fickert in bad, he didn't want all the evidence. Then came all these tedious hours of parts of days and a part of one night. Think of it, he held a night session to accommodate Mr. West because he couldn't attend during the daytime, he would lose his job! Mr. Nichols, probation officer, camped on the job all the time; as Dr. Aked said in a recent writeup on the courts, it's a pity that the public can't see some of the letters and other paraphernalia that Mr. Nichols has in his possession in regard to the number of cases where all-round criminals have been given their freedom and at this very moment are taking ad-

vantage of people who do believe in doing right.

Just a few facts now that came out in Lawlor's court: Seventeen chattel mortgages were recorded against personal property that Mrs. West didn't own. Only five of them were released. Over \$1600 still standing against the property, to say nothing about hundreds of other dollars that the lady got from every Tom, Dick and Harry. For the benefit of those who don't know, it may be said that the State pays part of the salary of our Superior Court judges. What percent, I don't know. Every once in awhile the court would state that the State had some rights, while these probation people were staying with him night and day; but when he decided the case, we find that the State has no rights. There were four or five of the lady's victims that didn't come over with the probation side of the case; they still held out for the State's rights, which Lawlor should have supported by all means.

Look at the Byrne case that the Bulletin published. The part that Lawlor and Shortall played in that case disqualifies them as judges. An innocent man in San Quentin about to be hanged on the flimsiest kind of circumstantial evidence.

I signed an agreement to take \$20 for the \$43 that Mrs. West owed me, and when Nichols come to pay me he wanted me to pay for the release of the mortgage. I refused to do it, and Mr. Lawlor decided I wouldn't get anything. I was rolled in Shortall's court for \$43 and in Lawlor's court for \$20. Can you beat it? I say no, and in no other city in the world.

Following is a complete list of the names

and addressess of the Grand Jury that investigated the West case: C. H. Appel, 2437 Washington street; A. Hirsch, 2686 Union street; J. Mulhearn, Union Square Hotel; P. P. Troy, 116 Guerrero street; J. Holland, 1106 street; J. Holland, 1106 Pierce; W. H. Ford, Chismore Apartments; E. W. Brown, 9 Fifth avenue; S. Joseph, 2379 Sutter; O. J. Olsen, 3476 Twenty-first street; E. C. Landis, 2494 Filbert street; H. L. Morrison, 3894 Clay street; R. L. Larzelere street St. Francis Hotel. If this Grand Jury had done their duty Lawlor would have had missed the exquisite pleasure of listening to 50,000 words—a great deal of it repeated testimony. Why continue this? The evidence was conclusive that the money that Mrs. West robbed the citizens of the City of San Francisco of to the amount of thousands of dollars was spent in purchasing real estate in Los Angeles. G. K. Chesterton in the Examiner of June 14, 1914, says he thinks the judges are the only contemptible things in court, and I agree with him. He also says it would do him good to shoot them. Same here. The damndest lie that ever was published in any paper, you'll find in the Bulletin of August 12, 1912, second page, column two, and the Bulletin knew they were publishing a lie.

## Appendix A

This item from the Bulletin illustrates clearly the lack of judgment that characterizes some misspent sympathy. Almost every important statement in this Bulletin account is false.

Mrs. West's youngest baby is eleven years old. Her other babies are married and have, with her husband, been taking care of her.

Most of her victims were honest, poor people, who wanted to help her—not a loan shark among them. Take the case at issue: she took the savings of this workingman—there was to be no interest paid, but what did he get? He got it in the neck. There were 17 chattel mortgages and her victims would fill a city block, and none of them loan sharks. She received nearly \$2,000.

However, Mrs. West's case only illustrates the judicial system of this city. Mr. Collins would be the first one to help any cause that needs assistance, due to involuntary poverty or misfortune. These are just the things that would receive the cold glare of Judge Shortall, Judge Lawlor and Mr. Flickert.

You may be curious to know what Mr. Collins thinks is the remedy. He has no shortcut road to achieve large results—nothing but education can overcome the ignorance that makes the Shortalls, the Fickerts, and the complacency of our Grand Juries possible, and so he publishes his experience in the hope that it may do something to help people arrive at conclusions that will make for civic cleanliness and social justice.

**From the Bulletin of August 12, 1912.**

For more than four months Mrs. Margaret West, 35 years old, the mother of five children, has been languishing in the county jail awaiting sentence for the crime of having secured, under false pretenses, the sum of \$300—money which was raised on her furniture, already mortgaged, with which to purchase food and clothing for her children and make a payment on her little home.

### **PREY OF LOAN SHARKS.**

One of the loan sharks, greedy for his money, and learning that Mrs. West had repeatedly mortgaged her household effects with various money lenders, caused her arrest on the charge of securing money under false pretenses. When brought to trial four months ago Mrs. West pleaded guilty to the charge in the hope

that she would be released on probation, this having been the first time she had been in trouble. However, Judge Lawlor, before whom the case was tried, remanded her to the county jail to await sentence.

After a delay of four months, during which time the children have been deprived of a mother's care, Mrs. West has been ordered to appear before Judge Lawlor on Wednesday morning at 10 o'clock for sentence, and despite the efforts of those who have interested themselves in the case it is probable that the woman will be given a prison sentence.

### FATHER OUT OF WORK.

The husband, who is a union teamster, has been out of work much of the time and is in poor health, but he has an opportunity to take his wife and family on a ranch where they will be sure at least of enough to eat, and he has petitioned Judge Lawlor to place the wife and mother on probation and give her another chance, but thus far Judge Lawlor has been deaf to the pleadings of the husband and children.

The story of the downfall of Mrs. West is the old story of those who, through necessity, place themselves in the power of the loan sharks.

### CHILDREN DIE.

The West family lost everything in the fire of 1906, and just as they were getting on their feet the two girls were thrown out of work



when a general strike of the telephone girls was called. The father was also out of work and about that time a son and daughter were taken ill and died.

### MOTHER DESPERATE.

The brave little mother, driven desperate, mortgaged her furniture to a loan shark in order to get food and clothing for her children and keep up the payments on the little home which they were buying. Of course, she had to keep up the interest and make regular payments to the money lender. She couldn't do it. This was repeated time and again, until the West family found themselves without furniture, home or anything else except a number of mortgages held by the loan sharks.

Then it was that one of these money lenders caused the arrest of Mrs. West. The poor woman felt that as this was her first offense against the law that if she pleaded guilty she would be released on probation. She made that plea, with the result that for four months she has been in the county jail awaiting sentence and on Wednesday morning will probably be sentenced to a term in prison.

The husband and children, who reside at 53 State street, grief-stricken, are frantically endeavoring to persuade Judge Lawlor to be merciful and allow the wife and mother to go on probation.

Thus far Judge Lawlor has shown no inclination to grant the request.

## Appendix B

An estimate of Courts, Judges and Lawyers  
by John D. Barry in the Bulletin of August 11,  
1914.

With astonishment most of us in this country, whether familiar or unfamiliar with our judicial procedure, have been following the details of the Caillaux trial. From our point of view it has been less dramatic than gloriously theatrical, at times ridiculously farcical. The scenes of tumult in the courtroom, when the audience burst into applause and laughter and hissing, seem to us almost incredible. Such scenes, we say, and with truth, could not happen in this country. That is, they virtually never do happen. And such methods of securing evidence are grotesque as compared with our careful and determined rejecting of the irrelevant.

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Naturally, we are inclined to favor our own ways, according to the law of nature, even though we may often subject them to criticism. Imperfect though they may be, they express us. The proceedings in that Paris courtroom express a people we consider very different from ourselves, more excitable and emotional. And yet they have the same human nature and they would not feel flattered if they were told they were considered by Americans just as civilized. As a matter of fact, they consider themselves much more civilized. The actors in that trial unquestionably represented a high

state of civilization, and the spectators, including women and men of world renown, average higher in intelligence than the typical audience at one of our sensational murder trials. What then is the explanation of their behavior?

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It seems to me that the explanation is to be found in traditions which develop and establishes itself through imitation. Fundamentally, the French people are exactly like the rest of us. By habit they have become more expressive than the people of those nations that have cultivated reserve and self-control the English, for example. If the child of an English family, distinguished even among the English for its reserve, were brought up in France as a French child, continually subjected to French influences, it would be likely to become absolutely French in expression, behaving in such a situation as that of the Caillaux trial exactly like the other excitable.

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As for the methods of court procedure there, too, is a growth, a dispassion of natural feeling, acted and reacted on by habit and by ideals. The encouragement of self-expression in France shows itself as startlingly in the chamber of deputies as in court. Our law, so close to that of England, expresses much of the English reserve. There emotion is supposed to have no place; reason alone is to be tolerated operating in the name of justice. One result is that our law has become a battle ground of wits, with victory for the ablest lawyers. In our everyday talk we frequently assume that this big

case or that will be decided, not by justice, but by the ability of the legal force on one side, nearly always measured in terms of money. Moreover, in our law, all the lawyers have a wretched advantage over the witnesses. With almost absolute impunity they can irritate and worry and torment and insult and intimidate. There is no more grotesque and pitiful mockery of justice than the scenes of this kind that you see every day in our courts.

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In France, by giving more leeway to witnesses, by letting them get up and make speeches, often examples of impassioned and brilliant oratory, which, like so much oratory, may have nothing to do with the subject, the courts waste a great deal of time and fairly welter in irrelevance. But do they really waste more time than our lawyers do in wrangling over what is relevant and what is not? And do they not gain something by encouraging these witnesses to give full expression of themselves, perhaps betraying qualities of character that might be shown in no other way and enabling judges and juries to see their problems from many points of view? Give a liar time enough and he will tell the truth about himself. And the truth is all the more certain to reveal itself if it can work through freedom of expression.

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To me, what is most depressing about a case of this kind is the exposure of what men of character and ability will do for money and reputation under the sanction of convention. Lawyers being human, and essentially like

other people, in spite of seeming to be at times so different, may be taken as a fair illustration of the working of the forces that lie behind custom once sustained, and now tolerated by public opinion. In their professional capacity many of the best of them will say things and do things that they would be incapable of in their private relations, that they would consider revolting. They will humiliate and scandalize and denounce women with a boldness that, in any place but a court of justice, would be likely to lead to their death. Often we see in courtrooms scenes that seem to me to be far worse than the crime the accused is tried for. A lawyer probing into the salacious and unnecessary details of a sex-offense, will often show a vile and a reprehensible spirit far more obnoxious than the human impulse that prompted the crime.

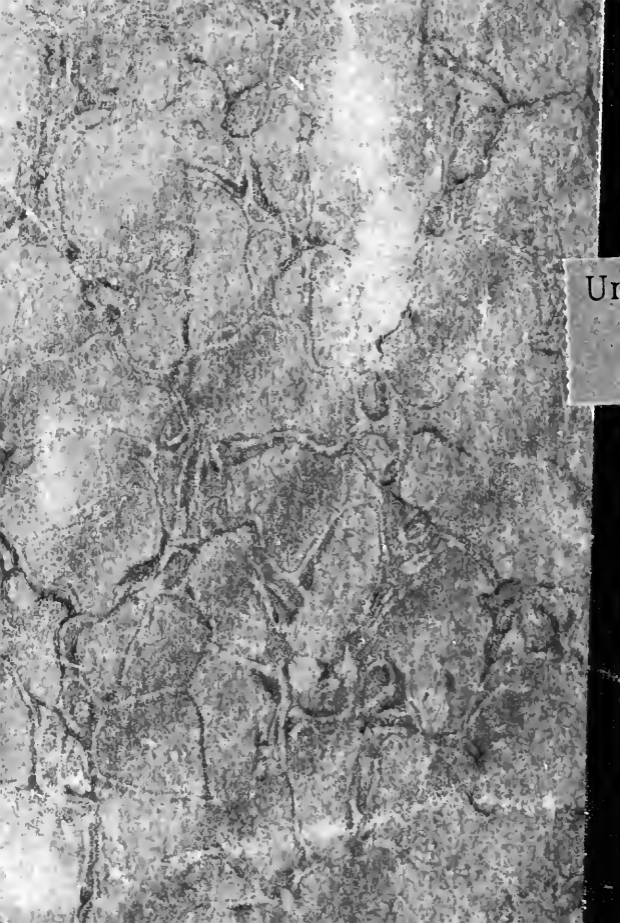
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So, when we are tempted to laugh at the French people for the scenes at the Caillaux trial we might give ourselves pause and consider what goes on in our own courts. Then, perhaps, we shall get a new reading of the old text: "The strength of sin is the law." For all our brave talk about justice we really don't know much about it or about its wise administration. But we certainly know enough to see that we are suffering abuses in its name and that we ought to give serious thought to their correction.

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